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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,289	02/08/2001	Edward B. Eytchison	20699001900	6762

7590 07/13/2004

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8th Floor
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San Francisco, CA 94111

EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,289

Applicant(s)

EYCHISON, EDWARD B.

Examiner

Djenane M Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3,5, 7-11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,618,764 to Shteyn.

a. As per claims 1, 11 and 13, Stein teaches a method of facilitating interoperability between two networks, the method comprising: providing a VHN network having a VHN element; providing a HAVi network having a HAVi element; and translating messages via a protocol translator coupled with the VHN network and the HAVi network; wherein the interoperability is facilitated between the HAVi element and the VHN element (See col. 8, lines 50-65 and col. 9, lines 1-50).

b. As per claim 3, Stein et al teaches a method of facilitating interoperability between two networks, the method comprising: providing a VHN network having a VHN element; providing a HAVi network having a HAVi element; providing a protocol

translator coupled with the VHN network and the HAVi network; and controlling the HAVi element with the VHN element (See col. 8, lines 50-65 and col. 9, lines 1-50)

c. As per claim 5, Stein et al teaches a method of facilitating interoperability between two networks, the method comprising: providing a VHN network having a VHN element; providing a HAVi network having a HAVi element; providing a protocol translator coupled with the VHN network and the HAVi network; and controlling the VHN element with the HAVi element (See col. 8, lines 50-65 and col. 9, lines 1-50)

d. As per claim 7, Shteyn et al teaches wherein controlling comprises controlling HAVi device with a VHN device (See col. 9, lines 1-50)

e. As per claim 8, Wendorf et al teaches wherein controlling comprises controlling a HAVi device with a VHN application (See col. 9, lines 1-50)

f. As per claim 9, Shteyn et al teaches wherein controlling comprises controlling a HAVi application with a VHN device (See col. 9, lines 1-50)

g. As per claim 10, Shteyn et al teaches wherein controlling comprises controlling a HAVi application with a VHN application (See col. 9, lines 1-50)

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 6, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent application U.S. Patent No. 6,618,764 to Shteyn in view of U.S. Patent No. 6,085,236 to Lea.

a. As per claims 2,4,6, 12 and 14 Shteyn teaches the claimed invention as described above. Furthermore, et al teaches wherein the protocol translator comprises: a HAVi bridge control manager; a VHN bridge control manager coupled with the HAVi bridge control manager (See page 3, lines 33-39). However, Wendorf et al teaches a HAVi-VHN DCM coupled with the VHN bridge control manager.

Lea teaches a DCM coupled with the bridge control manager (See col. 19, lines 29-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a HAVi-VHN DCM coupled with the VHN bridge control manager as taught by Lea in the claimed invention of Wendorf et al in order to allow more sophisticated management of the devices (See col. 19, lines 19-20).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Residential Broadband, Second Edition By George Abe, December 23, 1999.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

July 1, 2004


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER